

House File 2399

S-5084

1 Amend House File 2399, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause  
4 and inserting:

5 <Section 1. Section 708.11, subsection 1, paragraph  
6 b, Code 2016, is amended to read as follows:

7 *b. "Course of conduct"* means repeatedly  
8 maintaining a visual or physical proximity to a person  
9 without legitimate purpose, repeatedly utilizing a  
10 technological device to locate, listen to, or watch  
11 a person without legitimate purpose, or repeatedly  
12 conveying oral or written threats, threats implied  
13 by conduct, or a combination thereof, directed at or  
14 toward a person.

15 Sec. 2. Section 708.11, subsection 2, Code 2016, is  
16 amended to read as follows:

17 2. A person commits stalking when all of the  
18 following occur:

19 *a.* The person purposefully engages in a course of  
20 conduct directed at a specific person that would cause  
21 a reasonable person to feel terrorized, frightened,  
22 intimidated, or threatened or to fear that the person  
23 intends to cause bodily injury to, or the death of,  
24 that specific person or a member of the specific  
25 person's immediate family.

26 *b.* The person has knowledge or should have  
27 knowledge that ~~the specific person will be placed in~~  
28 ~~reasonable fear of a reasonable person would feel~~  
29 terrorized, frightened, intimidated, or threatened or  
30 fear that the person intends to cause bodily injury to,  
31 or the death of, that specific person or a member of  
32 the specific person's immediate family by the course  
33 of conduct.

34 ~~*c.* The person's course of conduct induces fear in~~  
35 ~~the specific person of bodily injury to, or the death~~

1 ~~of, the specific person or a member of the specific~~  
2 ~~person's immediate family.~~

3 Sec. 3. NEW SECTION. 708.11A Unauthorized  
4 placement of global positioning device.

5 1. A person commits unauthorized placement of  
6 a global positioning device, when, with intent to  
7 intimidate, annoy, or alarm another person, the person,  
8 without the consent of the other person, places a  
9 global positioning device on the other person or an  
10 object in order to track the movements of the other  
11 person without a legitimate purpose.

12 2. A person who commits a violation of this section  
13 commits a serious misdemeanor.

14 Sec. 4. Section 901.2, subsection 2, paragraph  
15 d, Code 2016, is amended by adding the following new  
16 subparagraph:

17 NEW SUBPARAGRAPH. (4) A risk assessment when the  
18 offense is a domestic abuse assault in violation of  
19 section 708.2A, or harassment in violation of section  
20 708.7.

21 Sec. 5. Section 901.3, Code 2016, is amended by  
22 adding the following new subsection:

23 NEW SUBSECTION. 1A. The performance of a risk  
24 assessment shall be required as part of a presentence  
25 investigation under subsection 1 for domestic abuse  
26 assault in violation of section 708.2A, harassment in  
27 violation of section 708.7, or stalking in violation of  
28 section 708.11.

29 Sec. 6. Section 903A.2, subsection 1, paragraph a,  
30 Code 2016, is amended to read as follows:

31 a. (1) Category "A" sentences are those sentences  
32 which are not subject to a maximum accumulation of  
33 earned time of fifteen percent of the total sentence  
34 of confinement under [section 902.12](#). To the extent  
35 provided in [subsection 5](#), category "A" sentences also

1 include life sentences imposed under [section 902.1](#).  
2 An inmate of an institution under the control of the  
3 department of corrections who is serving a category  
4 "A" sentence is eligible for a reduction of sentence  
5 equal to one and two-tenths days for each day the  
6 inmate demonstrates good conduct and satisfactorily  
7 participates in any program or placement status  
8 identified by the director to earn the reduction. The  
9 programs include but are not limited to the following:

- 10 ~~(1)~~ (a) Employment in the institution.
- 11 ~~(2)~~ (b) Iowa state industries.
- 12 ~~(3)~~ (c) An employment program established by the  
13 director.
- 14 ~~(4)~~ (d) A treatment program established by the  
15 director.
- 16 ~~(5)~~ (e) An inmate educational program approved by  
17 the director.

18 (2) (a) ~~However, an~~ An inmate required to  
19 participate in a sex offender treatment program shall  
20 not be eligible for a reduction of sentence unless the  
21 inmate participates in and completes a sex offender  
22 treatment program established by the director.

23 (b) An inmate required to participate in a  
24 batterers' treatment program shall not be eligible for  
25 a reduction of sentence unless the inmate participates  
26 in and completes a batterers' treatment program  
27 established by the director.

28 (3) An inmate serving a category "A" sentence is  
29 eligible for an additional reduction of sentence of  
30 up to three hundred sixty-five days of the full term  
31 of the sentence of the inmate for exemplary acts. In  
32 accordance with [section 903A.4](#), the director shall by  
33 policy identify what constitutes an exemplary act that  
34 may warrant an additional reduction of sentence.

35 Sec. 7. NEW SECTION. 905.16 Electronic tracking

1 and monitoring system — domestic abuse.

2 A person placed on probation, parole, work release,  
3 special sentence, or any other type of conditional  
4 release for domestic abuse assault in violation of  
5 section 708.2A, harassment in violation of section  
6 708.7, stalking in violation of section 708.11, or for  
7 a violation of any other offense, may be supervised  
8 by an electronic tracking and monitoring system for  
9 a period of time to be determined by the court, in  
10 addition to any other conditions of supervision.>

11 2. Title page, by striking lines 1 and 2 and  
12 inserting <An Act relating to the criminal offenses  
13 of stalking, harassment, unauthorized placement of a  
14 global positioning device, and domestic abuse, and  
15 providing penalties.>

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COMMITTEE ON JUDICIARY

STEVEN J. SODDERS, CHAIRPERSON